

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF L.M.H. UTILITIES) CAUSE NO. 43431
CORP. FOR AUTHORITY TO)
CHANGE ITS RATES, CHARGES,) PREHEARING CONFERENCE ORDER
TARIFFS, RULES, AND)
REGULATIONS) APPROVED: MAR 12 2008

BY THE COMMISSION:

Jeffrey L. Golc, Commissioner

Aaron A. Schmoll, Administrative Law Judge

On January 25, 2008, Petitioner L.M.H. Utilities Corp. ("Petitioner") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana at 11:00 a.m., on February 27, 2008. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. The Petitioners and the Indiana Office of Utility Consumer Counselor ("Public" or "OUCC") appeared and participated at the Prehearing Conference. No members of the general public appeared.

Prior to the opening of the record and with the consent of all parties in attendance, an informal discussion was held regarding procedural and scheduling matters in this Cause. The agreement of the parties was then read into the record.

Based upon the agreement of the parties, the Commission now enters the following Findings and Order which should become a part of the record in this proceeding:

1. **Test Year and Accounting Method.** The test year for determining Petitioners' actual and pro forma operating revenues, expenses and operating income under present and proposed rates should be the twelve (12) months ended September 30, 2007, adjusted for changes that are fixed, known and measurable for ratemaking purposes and that occur within twelve (12) months following the end of the test year.
2. **Cutoff date.** The rate base cutoff should reflect used and useful property as of September 30, 2007.
3. **Notice to Customers.** Petitioner shall provide evidence of its compliance with Commission rules to provide notice to its customers within forty-five (45) days of filing a petition with the Commission for a change in its base rates which fairly summarizes the nature and extent of the proposed changes.

4. **Petitioner's Prefiling Date.** The Petitioner should prefile with the Commission its prepared testimony and exhibits constituting its case-in-chief on or before March 10, 2008. Copies of same should be served upon all parties of record.

5. **Public's and Intervenors' Prefiling Date.** Public and all Intervenors should prefile with the Commission the prepared testimony and exhibits constituting their respective cases-in-chief on or before June 10, 2008. Copies of same should be served upon all parties of record.

6. **Petitioners' Rebuttal Prefiling.** The Petitioners should prefile with the Commission their prepared rebuttal testimony on or before June 25, 2008. Copies of same should be served upon all parties of record.

7. **Evidentiary Hearing on the Parties' Cases-In-Chief.** In the event this Cause is not settled, the cases-in-chief of the Petitioners, Public and any Intervenors should be presented in an Evidentiary Hearing to commence at 10:00 a.m., on July 9, 2008 in Room 222 of the National City Center, 101 West Washington Street, Indianapolis, Indiana. At such time, the direct evidence of the respective parties should be presented and their respective witnesses examined. Thereafter, Petitioner should present its prefiled rebuttal evidence as well as any additional evidence rebutting evidence adduced on cross-examination of Public's or Intervenors' witnesses. If the parties reach settlement, the agreement should be submitted to the Commission five (5) business days prior to the Evidentiary Hearing.

8. **Discovery.** Discovery is available for all parties and should be conducted on an informal basis. Any response or objection to a discovery request should be made within ten (10) calendar days of the receipt of such request. Responses to discovery submitted after June 10, 2008 shall be made within five (5) calendar days of the receipt.

9. **Prefiling of Workpapers.** When prefiling technical evidence with the Commission, each party should file copies of the work papers used to produce that evidence within two (2) business days after the prefiling of such technical evidence. Copies of same should also be served on the other parties to this Cause. When submitting workpapers to the Commission, two (2) copies of each document should be filed with the Secretary of the Commission.

10. **Number of Copies/Corrections.** With the exception of work papers, the parties should file with the Commission an original and five (5) copies of all prefiled testimony and exhibits. Any corrections to prefiled testimony should be made in writing as soon as possible after discovery of the need to make such corrections. Although the Commission's rules require that original copies be one-sided, it is the Commission's preference that duplicate copies use both sides of the paper.

11. **Intervenors.** Any party permitted to become an Intervenor in this Cause should be bound by the record as it stands at the time its Petition to Intervene is granted, pursuant to 170 IAC 1-1.1-11.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

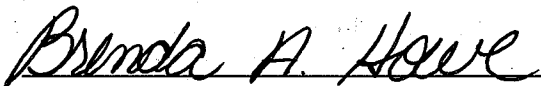
1. The determinations of the Prehearing Conference set forth in this Order are made a part of the record in this Cause and shall be binding on all present and future parties of record during the proceedings of this Cause.

2. This Order shall be effective on and after the date of its approval.

HARDY, GOLC, LANDIS, SERVER, AND ZIEGNER CONCUR:

APPROVED: MAR 12 2008

**I hereby certify that the above is a true
and correct copy of the Order as approved.**

A handwritten signature in cursive script, reading "Brenda A. Howe", is written over a horizontal line.

**Brenda A. Howe
Secretary to the Commission**